THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.19309 of 2007

Dated: 01.10.2007

Between:

L.Subbulu.

.. Petitioner

And

The Revenue Divisional Officer, Ongole, Prakasam District and another.

.. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.19309 of 2007

ORDER:

Heard the counsel.

2. The writ petition is filed for a writ of Mandamus declaring the action of the respondents in issuing proceedings No.Rc.1509/2007, dated 31.08.2007, and show cause notice No.Rc.1509/2007, dated 31.08.2007, without any allegations, without conducting any enquiry and without verifying the stock Registers as illegal, arbitrary and violative of Principles of Natural Justice, and consequently, direct the respondents to continue the petitioner as dealer for the Fair Price Shop, Vasepallipadu, Tangutur Mandal, Ongole District and pass such other suitable orders.

3. In the impugned order, the operative portion reads as hereunder:

> "Examined the report of the Tahsildar, Tangutur carefully. As seen from the report of the Tahsildar and statements given by the villagers, it is clearly established that Smt.L.Subbulu, F.P. shop dealer, Vasepallipadu village has diverted P.D.S. rice into Black Market by violating the provisions laid down under E.C.At, 1955 read with A.P.P.D.S. (Control) order, 2001. In the circumstances explained above, the dealership authorization of Smt.L.Subbulu, F.P. shop dealer, Vasepallipadu village of Tangutur Mandal is hereby suspended pending further enquiry into the matter as there is a prima-facie case that the dealer has diverted

E.Cs into Black Market. The Tahsildar, Tangutur is directed to make alternate arrangements for distribution of E.Cs to the card holders until further orders."

4. It is stated that the writ petitioner had submitted a detailed explanation in relation to the show cause notice.

5. Several facts had been narrated in the affidavit filed in support of the writ petition pointing out several of the irregularities and infirmities.

6. This Court is not inclined to express any opinion inasmuch as it is stated that an explanation in detail already had been submitted by the writ petitioner to the show cause notice issued by the 1st respondent.

7. In the light of the same, the writ petition is disposed of directing the 1st respondent to complete the enquiry within a period of two weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No order as to costs.

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(P.S.NARAYANA,J)

Dt.01.10.2007

Note: Furnish CC in two days

B/o

v v